

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AARON GOLLAND; TIMOTHY PARKER; JOSE SANTIAGO; and LANCE SMITH, individually and on behalf of all others similarly situated,

Case No. 1:24-cv-6270-GHW-GWG

Plaintiff,

v.

MAJOR LEAGUE BASEBALL
ADVANCED MEDIA, L.P.,

Defendant.

**DECLARATION OF ELLIOT O. JACKSON IN SUPPORT OF PLAINTIFFS’
MEMORANDUM IN OPPOSITION TO DEFENDANT’S MOTION TO STRIKE AND
DISMISS**

I, Elliot O. Jackson, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 and based on my own personal knowledge, that the following statements are true:

1. I am a member in good standing of the Florida and New York State Bars and of this Court. I make this Declaration in support of Plaintiffs’ Memorandum in Opposition to Defendant’s Motion to Strike and Dismiss.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the www.MLB.tv subscription purchase flow as it appears when viewed on an Apple TV device that illustrates how the link to Defendant’s Terms of Use is displayed at the bottom of the Television. As shown, a consumer is permitted to purchase their subscription to Defendant’s streaming service before they are even presented with any terms of use or a privacy policy. Further, the language purporting to advise a consumer of the terms of use is neither hyperlinked, underlined, or otherwise provided for the consumer’s reference.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the sign-up page for Defendant’s website as it appears when viewed on a mobile device that illustrates how the link

to Defendant's Terms of Use is not displayed at the bottom of the website. Other buttons, text, and action items are more prominently placed on this website and can be discovered without scrolling.

4. Any language that appears below the "Register" button is not reasonably conspicuous because a visitor to the site will need to scroll down the mobile webpage to reveal whether language exists as Defendant's website allows the URL field to block that space.

5. Once a consumer scrolls the page, the language below the "Register" button is revealed in a font much smaller than the main font on the rest of the website, is not bolded or underlined, and does not indicate a link is present. That scrolling also causes the MLB logo to no longer appear at the top of the mobile webpage. A true and correct copy is attached as **Exhibit 3**.

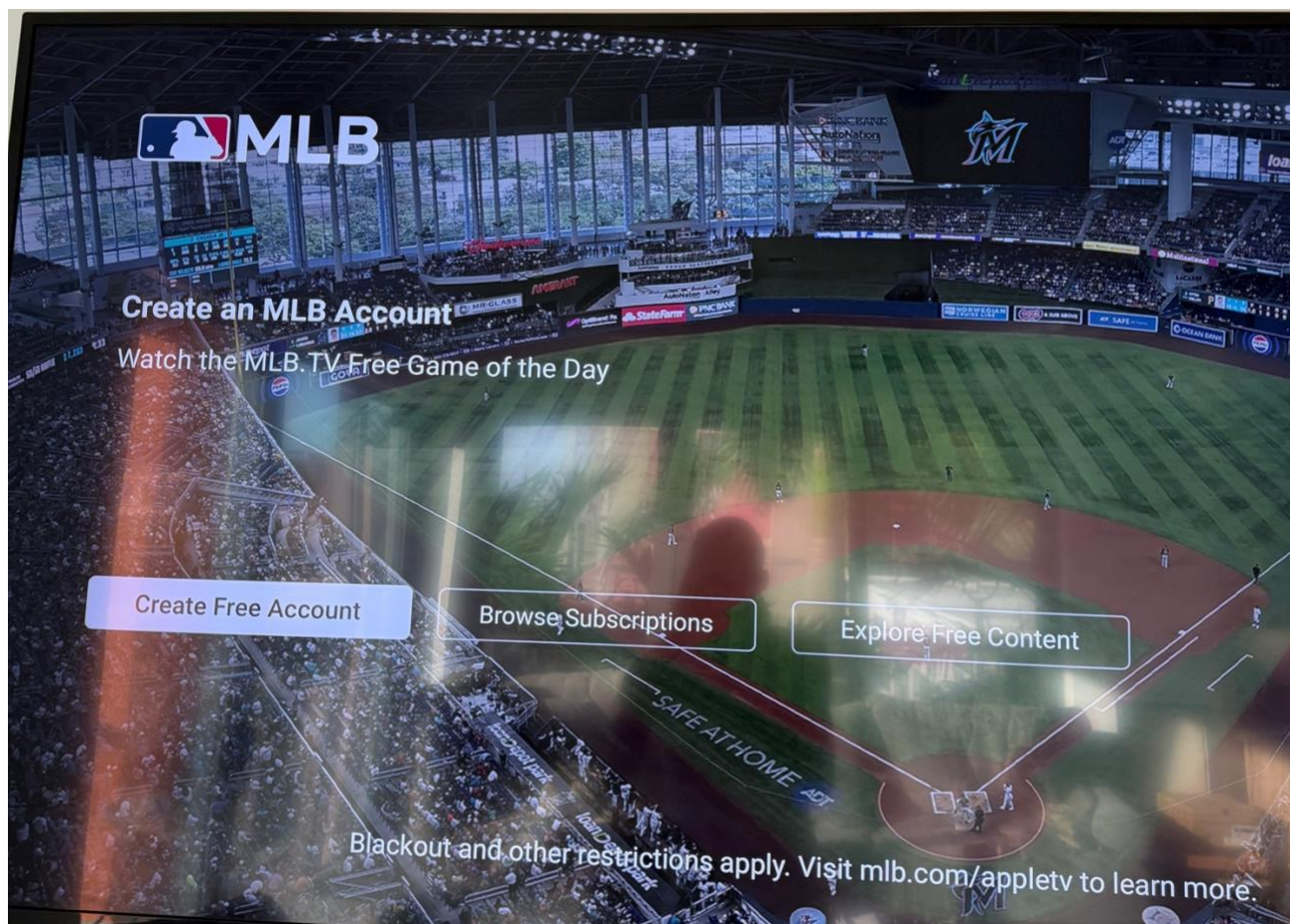
6. Attached hereto as **Exhibit 4** is the sign-up page from www.MLB.com as it appeared in 2008 from the Internet Archive known as the "Wayback Machine." The sign-up does not provide consumers with actual or inquiry notice of the terms of use, nor is there any indication that the terms of use then in effect contained a class action waiver.

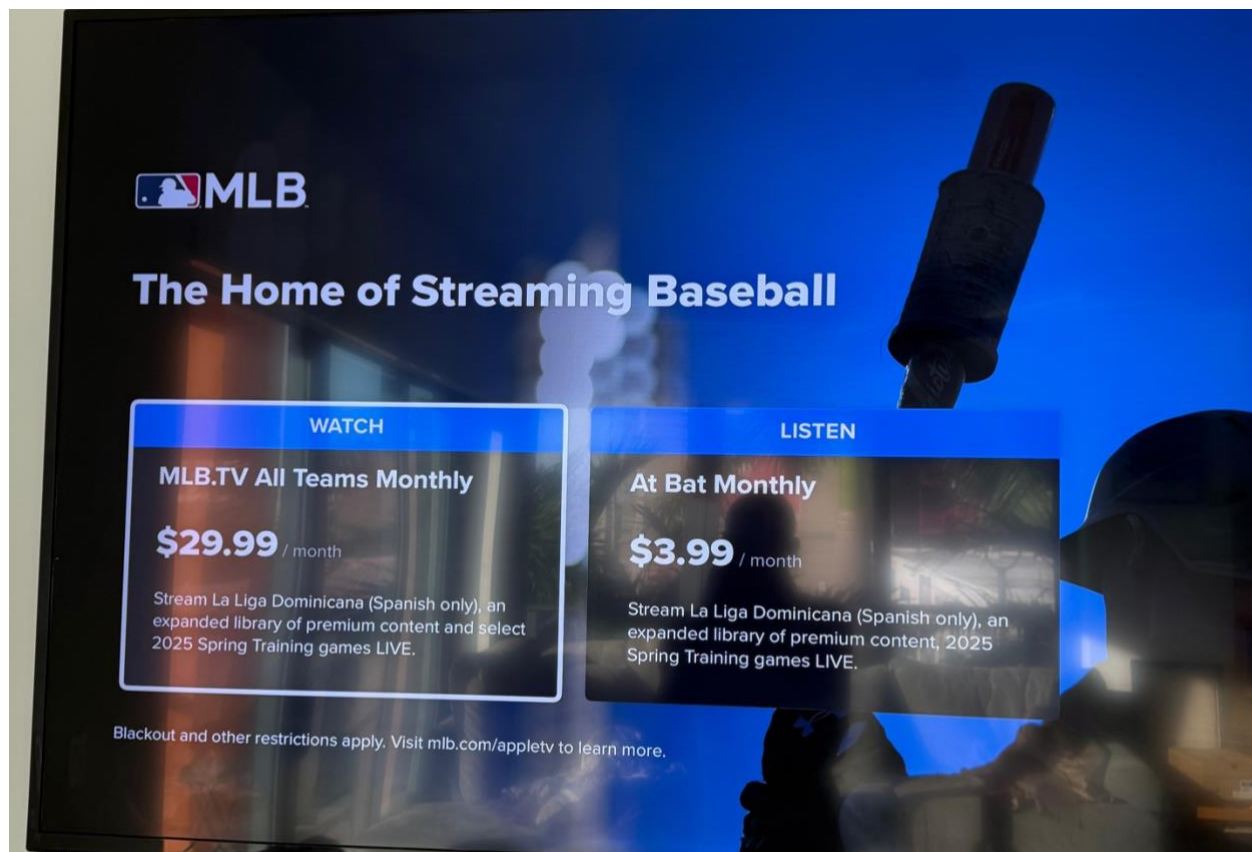
I declare, under penalty of perjury, pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed this 7th day of February 2025 in Miami, Florida.

/s/ Elliot O. Jackson
Elliot O. Jackson

EXHIBIT 1



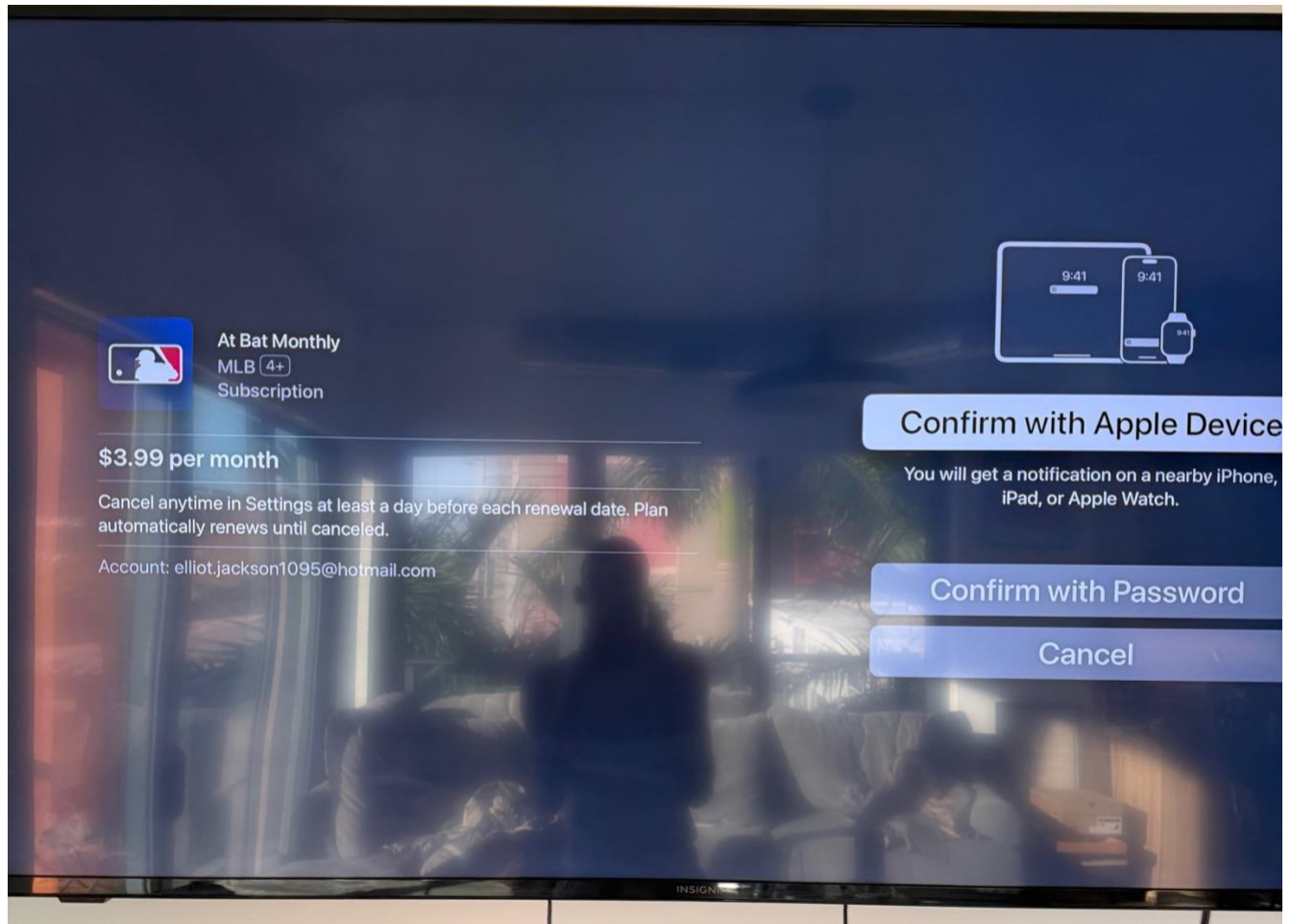
An advertisement for MLB streaming services displayed on a screen. The background is a blue-tinted image of a baseball bat and a player's helmet. The MLB logo is in the top left. The main headline is 'The Home of Streaming Baseball'. Below this are two boxes: 'WATCH' for 'MLB.TV All Teams Monthly' at \$29.99/month and 'LISTEN' for 'At Bat Monthly' at \$3.99/month. Both boxes mention streaming La Liga Dominicana (Spanish only), an expanded library of premium content, and 2025 Spring Training games LIVE. A disclaimer at the bottom states: 'Blackout and other restrictions apply. Visit mlb.com/appletv to learn more.'


MLB

The Home of Streaming Baseball

WATCH	LISTEN
MLB.TV All Teams Monthly	At Bat Monthly
\$29.99 / month	\$3.99 / month
Stream La Liga Dominicana (Spanish only), an expanded library of premium content and select 2025 Spring Training games LIVE.	Stream La Liga Dominicana (Spanish only), an expanded library of premium content, 2025 Spring Training games LIVE.

Blackout and other restrictions apply. Visit mlb.com/appletv to learn more.





Create an MLB Account to access your MLB Subscription on your favorite supported devices

Email Address

Password

Use 8 - 15 characters with one uppercase letter, one lowercase letter and one number.

☐ I would like to receive commercial e-mails from MLB.com and their partners.

Create Account Log In

By clicking Create Account, I accept and agree to the MLB.com Terms of Use and Privacy Policy. By watching MLB.TV Free Game of the Day, I agree to receive limited follow-up emails about MLB.TV.

EXHIBIT 2

12:21

MLB Logo

Register

Email

Password

Confirm Password

Date of Birth

MM DD YYYY

☐ I would like to receive commercial e-mails from [MLB.com](https://mlb.com) and their partners.

Register

mlb.com

EXHIBIT 3

12:21

Register

Email

Password

Confirm Password

Date of Birth

☐ I would like to receive commercial e-mails from [MLB.com](#) and their partners.

Register

Already have an account? [Log In](#)

Need Help?

By logging in, I understand and agree to be bound by the MLB.com [Terms of Use](#) and [Privacy Policy](#)

mlb.com

EXHIBIT 4

MLB.com

Team Sites | Scoreboard | Standings | Stats | Schedule | Players | News | Audio & Video | Fantasy | Tickets | Shop | Mobile | Auction | More...

Register | Login

Search
Submit

POWERED BY Sun

Login or Register

Please enter the required information below to continue.

☒ I already have an MLB.com account

E-Mail Address:

Enter Your Password:

[Forgot your password? Click here](#)

☐ I don't have an MLB.com account


E-Mail Address:

Enter a Password:

Confirm Password:



Date of Birth: - mm - - dd - - yyyy -

☒ I would like to receive newsletters and promotions from MLB.com and their partners.

 The secure server will encrypt your information

[Have a question?](#)

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